

No. 97-3269

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\* Appeal from the United States  
\* District Court for the  
\* District of Minnesota.  
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\* [UNPUBLISHED]  
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PER CURIAM.

Beck appeals the District Court's<sup>1</sup> order affirming the magistrate judge's<sup>2</sup> denial of pre-trial motions in his 42 U.S.C. § 1983 (1994) action. We dismiss for lack of jurisdiction.

Beck, a Minnesota inmate, sued several prison officials and employees, claiming deprivation of property, threats, retaliation, and deliberate indifference to medical needs. Beck filed a motion to strike one defendant's answer, a motion for writ of attachment, and a "Motion to Strike Defendant's Opposition/Pleading." The magistrate judge denied these motions, and the District Court subsequently affirmed. On appeal to this Court, Beck argues that his motions should have been granted.

As Beck is not appealing from a final decision of the District Court, and the order appealed from does not qualify as an appealable interlocutory order, we lack appellate jurisdiction. See 28 U.S.C. §§ 1291, 1292 (1994); Thomas v. Basham, 931 F.2d 521, 523 (8th Cir. 1991) (stating that, generally, appealable order is decision ending litigation on merits and leaving nothing for court to do but execute judgment); United States v. Brakke, 813 F.2d 912, 913 (8th Cir. 1987) (per curiam) (noting pre-trial orders are not final decisions and are not reviewable). Accordingly, we dismiss. We also deny Beck's motion for appointment of counsel as moot.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.

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<sup>1</sup>The Honorable Ann D. Montgomery, United States District Judge for the District of Minnesota.

<sup>2</sup>The Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.